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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,590	12/31/2001	Aaron M. Tsirkel	P11678	4021

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EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 10/03/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,590

Applicant(s)

TSIRKEL ET AL.

Examiner

Regina Liang

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helms (US. PAT. NO. 5,952,992) in view of Blouin (US. PAT. NO. 5,850,205).

As to claim 1, Figs. 1 and 2 of Helms discloses a computer system comprising a photo-detector or a light sensor (14), a display screen (12), a brightness of which is to be adjusted in response to measuring ambient light using the light sensor. Helms does not disclose using a camera as a light sensor to measure the ambient light. However, Blouin teaches a light sensor for sensing the ambient light comprising a CCD (camera, see col. 3, lines 25-27). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Helms to use a CCD (camera) as a light sensor for sensing the ambient light as taught by Blouin so as to provide a light weight and low cost sensing device, and reduce the overall cost of the system since only one CCD is needed to perform dual functions e.g. light sensing and image pick up function.

As to claims 2 and 3, Helms teaches increasing the brightness of the display screen if an increase in the ambient light, or decreasing the brightness of the display screen if the ambient light decreases (col. 1, lines 51-55).

As to claim 5, Helms does not disclose decreasing the brightness of the display screen if the ambient light increases. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Helms to decrease the brightness of the display screen if the ambient light increased to save power.

As to claims 6, 7, Helms teaches the brightness control circuitry having a lookup table (col. 3, lines 44-50), which reads on a storage device storing measurement code and adjustment code to be executed by the computer system as claimed.

3. Claims 4, 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helms and Blouin as applied to claim 1 above, and further in view of Belhumeur et al (US. PUB. NO. 2002/0128060 hereinafter Belhumeur).

As to claims 10, 19, Helms as modified by Blouin does not disclosing using the camera to produce an image and enabling a brightness of the display screen to be adjusted in response to an analysis of the image. However, Belhumeur teaches an image system having a camera for producing an image, and a computer controlling the display to illuminate the display screen based on an analysis of the image (col. 2, section [0022]). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Helms as modified by Blouin to have the camera produce an image and to control the brightness of the display screen in response to an analysis of the image as taught by Belhumeur to more accurately determine the ambient light condition by analyzing an image of the actual surrounding as opposed to using a single light sensor which is not indicative of the entire surrounding.

Art Unit: 2674

As to claims 4, 8, 13, 23, 24, Belhumeur teaches the ambient light is to be measured in a vicinity of a user.

As to claims 11, 20, Helms teaches increasing the brightness of the display screen in response to measuring an increase in the ambient light, or decreasing the brightness of the display screen in response to measuring a decrease in the ambient light (col. 1, lines 51-55).

As to claims 12, 21, Helms as modified does not disclose decreasing the brightness of the display screen if the ambient light increases, or increasing the brightness if the ambient light decreases. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Helms as modified to decrease the brightness of the display screen if the ambient light increases to save power or increasing the brightness of the display screen if the ambient light decreases to provide visibility.

As to claims 14, Helms teaches the brightness control circuitry having a lookup table (col. 3, lines 44-50), which reads on a storage instructions in the computer system to adjusting the brightness of the display screen as claimed.

As to claims 15, 16, 25, Belhumeur teaches controlling the illumination of the display screen including storing instructions in the computer system to analyze the image.

As to claims 17, 22, Belhumeur teaches the analysis of the image includes determining a user position in the image.

As to claim 9, 18, 26, Belhumeur teaches the camera providing a video imaging function.

Conclusion

Art Unit: 2674

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katada (US. PAT. NO. 5,933,089) teaches a display control section generating the contrast adjustment signal corresponding to the received light quantity of the LCD detected by the light sensor.


Campo (US. PAT. NO. 5,910,653) teaches a display with ambient light detector.

Rai et al (US. PUB. NO. 2002/0050974) teaches a LCD having light collecting mechanism.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (703) 305-4719. The examiner can normally be reached on Monday-Friday from 9AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


REGINA LIANG
PRIMARY EXAMINER
ART UNIT 2674

RL
9/25/03